



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 6

#### CONDUCT OF ELECTIONS ETC.

##### *Ballot papers*

### 30 Ballot paper design

- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows.
- (2) In rule 19 (the ballot papers)—
  - (a) in paragraph (2), omit sub-paragraph (d);
  - (b) after paragraph (3) insert—
    - “(4) The Secretary of State may in regulations—
      - (a) prescribe a different form of ballot paper from that in the Appendix;
      - (b) amend or replace the directions as to printing the ballot paper in the Appendix;
      - (c) in consequence of anything done for the purposes of paragraph (a) or (b), amend or replace the Form of directions for the guidance of the voters in voting in the Appendix.”
- (3) In the Appendix of forms, in the Directions as to printing the ballot paper, after paragraph 2A insert—

“2B

Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidates particulars and spaces where the vote is to be marked if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule.”

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*Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Ballot papers. (See end of Document for details)*

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### Commencement Information

- II** S. 30 wholly in force at 1.7.2008; s. 30 not in force at Royal Assent see s. 77; s. 30 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(n) (subject to Sch. 2); s. 30 in force at 1.7.2008 for N.I. by S.I. 2008/1316, arts. 2(2), 4(1)

## 31 Replacement of counterfoils

- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows.
- (2) After rule 19 insert—

### 19A “Corresponding number list

- (1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 24(1) or provided by him in pursuance of rule 29(1).
- (2) The list shall be in such form as the Secretary of State in regulations prescribes.”
- (3) In rule 29 (equipment of polling stations), in paragraph (3), after sub-paragraph (d) insert—
- “(e) a list consisting of that part of the list prepared under rule 19A which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.”
- (4) In rule 43 (procedure on close of poll)—
- (a) in paragraph (1), after sub-paragraph (d) insert—
- “(da) the lists prepared under rule 19A, including the parts which were completed in accordance with rule 37(1)(b) and (d) (together referred to in these rules as “the completed corresponding number lists”);”;
- (b) in paragraph (1)(e) omit “the counterfoils of the used ballot papers and”;
- (c) in paragraph (2) for “counterfoils of the used ballot papers and” substitute “completed corresponding number lists or ”.
- (5) In rule 54 (sealing up of ballot papers), for paragraph (2) substitute—
- “(2) The returning officer shall not open the sealed packets of—
- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of this Act) and lists of proxies.”
- (6) In rule 55 (delivery of documents), in paragraph (1)—
- (a) after sub-paragraph (c) insert—
- “(ca) the packets of the completed corresponding number lists;”;
- (b) in sub-paragraph (d) omit “counterfoils and”.

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- (7) In rule 56 (orders for production of documents)—
- (a) in paragraph (1)(b) for “counterfoils and” substitute “ the completed corresponding number lists or of ”;
  - (b) in paragraph (2) for “counterfoils and” substitute “ the completed corresponding number lists or of ”;
  - (c) in paragraph (3) for “counterfoils and” substitute “ the completed corresponding number lists or of ”;
  - (d) for paragraph (7) substitute—
    - “(7) The production from proper custody of—
    - (a) a ballot paper purporting to have been used at any election, and
    - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors (or on a notice issued under section 13B(3B) or (3D) of this Act) at the time of the election contained the same number as the number written as mentioned in sub-paragraph (b).”;
  - (e) in paragraph (8) for “counterfoils and” substitute “ the completed corresponding number lists or of ”.
- (8) In rule 57 (retention and public inspection of documents), for paragraph (2) substitute—
- “(2) The documents mentioned in paragraphs (1) and (1A) except—
- (a) ballot papers,
  - (b) the completed corresponding number lists,
  - (c) certificates as to employment on duty on the day of the poll,
- shall be open to public inspection.”
- (9) In the Appendix of forms—
- (a) in the Form of Front of Ballot Paper omit “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”;
  - (b) in the Form of Back of Ballot Paper omit “Note.— The number on the ballot paper is to correspond with that on the counterfoil”.

#### Commencement Information

**I2** S. 31 partly in force; s. 31 not in force at Royal Assent see s. 77; s. 31(1)-(3)(5)-(9) in force for E.W.S and s. 31(4) in force for E.W.S for certain purposes at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(o)(p) (subject to Sch. 2); s. 31(2) in force for N.I. at 14.5.2008 and s. 31(1)(3)(4)(b)(c)(5)-(9) in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(1){(2)}, 3(c), 4(m)(n)

## 32 Photographs on ballot papers: piloting

- (1) This section applies if a local authority makes a proposal that an order be made under subsection (2) applying to particular local government elections held in its area.

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- (2) The Secretary of State may by order (a pilot order) make provision for the purposes of enabling ballot papers issued at such local government elections as are specified in the order to contain photographs of the candidates.
- (3) A pilot order may include such provision modifying or disapplying any enactment as the Secretary of State thinks is necessary or expedient for the purposes of the order.
- (4) The Secretary of State must not make a pilot order unless he first consults the Electoral Commission.
- (5) A pilot order may make provision implementing the local authority's proposal—
  - (a) without modification, or
  - (b) with such modifications as the Secretary of State and the local authority agree between them.
- (6) If the Secretary of State makes a pilot order—
  - (a) he must send a copy of it to the local authority and to the Electoral Commission, and
  - (b) the local authority must publish the order in their area in such manner as they think fit.
- (7) A pilot order may be amended or revoked by a further order.
- (8) The Secretary of State may reimburse a returning officer for any expenditure necessarily incurred by him in consequence of the making of a pilot order.
- (9) A local authority is—
  - (a) in England, a county council, a district council, a London borough council or the Greater London Authority;
  - (b) in Wales, a county council or a county borough council.
- (10) In this section—
  - (a) “local government election” must be construed in accordance with section 203(1) of the 1983 Act;
  - (b) a reference to the area of a local authority must be construed in accordance with the definition of “local government area” in that subsection.

#### Commencement Information

**I3** S. 32 wholly in force at 1.1.2007; s. 32 not in force at Royal Assent see s. 77; s. 32 in force at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1, (subject to transitional provisions in Schedule 2)

### 33 Evaluation of pilots under section 32

- (1) After any elections specified in a pilot order have taken place, the Electoral Commission must prepare a report on the operation of the order.
- (2) The report must contain, in particular—
  - (a) a description of the way in which the provision made by the order differed from the provisions which would otherwise have applied to the election or elections;
  - (b) a copy of the order;

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- (c) an assessment of the success or otherwise of the order in assisting voters to make informed decisions at the election or elections in question;
  - (d) an assessment of the success or otherwise of the order in encouraging voting at the election or elections in question;
  - (e) an assessment of whether the procedures provided for in the order operated satisfactorily.
- (3) An assessment under subsection (2)(c) must include a statement of whether, in the opinion of the Commission, the inclusion of photographs on the ballot paper—
- (a) assisted voters in marking their papers with a vote for a candidate (or with votes for candidates) for whom they had decided to vote on grounds other than the candidates' appearance;
  - (b) resulted in voters being influenced (or more influenced) by the appearance of candidates in deciding for whom to vote.
- (4) An assessment under subsection (2)(d) must include a statement of whether, in the opinion of the Commission, the turnout of voters was higher than it would have been if the order had not applied.
- (5) An assessment under subsection (2)(e) must include a statement of—
- (a) whether the candidates and their agents found the procedures provided for in the order easy to use;
  - (b) whether the returning officer found those procedures easy to administer;
  - (c) whether those procedures had any effect on the incidence of malpractice (whether or not amounting to an offence) in connection with elections;
  - (d) the amount of any increase attributable to those procedures in the resources applied by the authority concerned to the election or elections.
- (6) In making an assessment under subsection (2)(c), (d) or (e), the Commission must also apply such other criteria as are specified in the order in relation to that assessment.
- (7) The local authority must give the Commission such assistance as the Commission may reasonably require in connection with the preparation of the report.
- (8) The assistance may include—
- (a) making arrangements for ascertaining the views of electors about the operation of the provisions of the order;
  - (b) reporting to the Commission allegations of electoral offences or other malpractice.
- (9) The Commission must, before the end of the period of three months beginning with the date of the declaration of the result of the election or elections in question, send a copy of the report—
- (a) to the Secretary of State, and
  - (b) to the local authority.
- (10) The local authority must publish the report in their area in such manner as they think fit.
- (11) In this section “pilot order” and “the local authority” must be construed in accordance with section 32.

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#### Commencement Information

- I4** S. 33 wholly in force at 1.1.2007; s. 33 not in force at Royal Assent see s. 77; s. 33 in force at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1, (subject to transitional provisions in Schedule 2)

### 34 Revision of electoral provisions in the light of pilot schemes

- (1) This section applies if the Secretary of State thinks, in the light of a report made under section 33 on the operation of a pilot order under section 32, that it would be desirable for provision similar to that made by the order to apply generally, and on a permanent basis, in relation to—
  - (a) parliamentary elections;
  - (b) local government elections in England and Wales;
  - (c) any description of election falling within paragraph (a) or (b).
- (2) The Secretary of State may by order make provision for the purposes of enabling ballot papers issued at such elections (mentioned in subsection (1)) as are specified in the order to contain photographs of the candidates.
- (3) The Secretary of State must not make an order under subsection (2) unless he first consults the Electoral Commission.
- (4) An order under subsection (2) may—
  - (a) include such provision modifying or disapplying any enactment as the Secretary of State thinks is necessary or expedient for the purposes of the order;
  - (b) create or extend the application of an offence.
- (5) An order under subsection (2) must not create an offence punishable—
  - (a) on conviction on indictment, with imprisonment for a term exceeding one year;
  - (b) on summary conviction, with imprisonment for a term exceeding 51 weeks or with a fine exceeding the statutory maximum.
- (6) The power to make an order under subsection (2) is exercisable by statutory instrument, but no such order may be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (7) The reference to local government elections must be construed in accordance with section 32.
- (8) If an order under subsection (2) is made before the date of commencement of section 281(5) of the Criminal Justice Act 2003, then in relation to any offence committed before that date the reference in subsection (5)(b) to 51 weeks must be taken to be a reference to six months.
- (9) In its application to Scotland and Northern Ireland, the reference in subsection (5)(b) to 51 weeks must be taken to be a reference to six months.

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### Commencement Information

- I5** S. 34 wholly in force at 1.1.2007; s. 34 not in force at Royal Assent see s. 77; s. 34 in force at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1, (subject to transitional provisions in Schedule 2)

**Changes to legislation:**

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